

REMARKS

Claims 1-8 are pending in this application. After claim amendments, cancelations and additions herein, claims 1, 2 and 8-12 will remain in this application.

In the Office Action dated May 23, 2005, the Examiner indicated that claims 1- 8 comprise four distinct inventions, and the Examiner has required that the application be restricted, under 35 U.S.C. § 121, to one of the following:

- I. Claims 1, 2 and 8, drawn to nucleic acids;
- II. Claims 3-4, drawn to methods for diagnosing infection with papaya leaf-distortion mosaic virus;
- III. Claims 5 and 6, drawn to methods for making plants; and
- IV. Claim 7, drawn to isolated polypeptides that have protease activity.

According to the Examiner, the inventions of groups I and II and of groups I and III are related as product and process of use, and the nucleic acids of group I are capable of being used in a variety of methods, including those of groups II and III, such that separate patent applications are required. The Examiner further stated that Inventions I and IV are patentably distinct in structure and physiochemical properties -- because nucleic acids are composed of nucleotides and proteins are composed of amino acids, the inventions have different structural and functional properties. Moreover, the Examiner stated that Inventions II and III are unrelated to Invention IV because they do not require the polypeptides of Invention IV.

In response, Applicants elect Group I, consisting of claims 1, 2 and 8, drawn to nucleic acids. Accordingly, Applicants have canceled claims 3-7 and have amended claim 8 to incorporate the limitations of base claim 7. In addition, Applicants note that the inventorship for the elected Group I remains unchanged.

In addition, Applicants have herein added new claims 9-12 directed to a fragment of the nucleic acid according to claim 1 or 2. Applicants submit that new claims 9-12 fall within the inventions of Group I and respectfully request that these new claims be examined along with claims 1, 2 and 8 of Group I.

Reconsideration of the present application, as amended, is respectfully requested. If the Examiner has any questions or concerns regarding this response and amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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